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International convention against the reproductive cloning of human beings

Letter dated 2 April 2003 from the Permanent Representative of Costa Rica to the United Nations addressed to the Secretary-General

I have the honour to transmit to you attached hereto the draft international convention for the prohibition of all forms of human cloning, prepared by the Government of Costa Rica, as well as the text of a brief explanatory commentary to it (see annexes I and II).

The Government of Costa Rica is convinced that this draft will be a constructive contribution to the negotiation process currently being carried out within the General Assembly in order to prohibit human cloning. We hope that the text will be able to serve eventually as the basic document for discussion.

(*Signed*) Bruno **Stagno**
Permanent Representative

* A/58/50/Rev.1.

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Annex I to the letter dated 2 April 2003 from the Permanent Representative of Costa Rica to the United Nations addressed to the Secretary-General

Draft international convention on the prohibition of all forms of human cloning

Preamble

The States Parties to this Convention,

Recalling the Universal Declaration on the Human Genome and Human Rights[1] adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 11 November 1997, in particular article 11 thereof, in which the Conference specified that practices which are contrary to human dignity, such as reproductive cloning of human beings, shall not be permitted,

Recalling also General Assembly resolution 53/152 of 9 December 1998, by which the Assembly endorsed the Universal Declaration on the Human Genome and Human Rights,

Bearing in mind resolution 2001/71 of the Commission on Human Rights of 25 April 2001 entitled "Human rights and bioethics",[2] adopted by the Commission at its fifty-seventh session,

Recalling that, in accordance with the Universal Declaration of Human Rights, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Convinced that the cloning of human beings, whether carried out on an experimental basis, in the context of fertility treatments or pre-implantation diagnosis, for tissue transplantation or for any other purpose whatsoever, is morally repugnant, unethical and contrary to respect for the person and constitutes a grave violation of fundamental human rights which cannot under any circumstances be justified or accepted,

Seeking to promote scientific and technical progress in the fields of biology and genetics in a manner respectful of fundamental human rights and for the benefit of all,

Concerned at recently disclosed information on research into and attempts at the creation of human beings through cloning processes,

Conscious of widespread preoccupations that the human body and its parts should not, as such, give rise to financial gain,

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[1] United Nations Educational, Scientific and Cultural Organization, *Records of the General Conference, Twenty-ninth Session*, vol. 1, *Resolutions*, resolution 16.

[2] See *Official Records of the Economic and Social Council, 2001, Supplement No. 3* (E/2001/23), chap. II, sect. A.

Determined to adopt permanent measures to avoid potential threats to human dignity,

Have agreed as follows:

Article 1
Definitions

For the purposes of this Convention:

1. "Somatic cell nuclear transfer" means introduction of nuclear material from a somatic cell into a fertilized or unfertilized oocyte whose nuclear material has been removed or inactivated;

2. "Somatic cell" means a cell containing a complete set of chromosomes;

3. "Genetically virtually identical organism" means an organism containing the same complete set of chromosomes as another organism;

4. "Victim" means both the person whose genetic material or oocyte is used without permission to commit an offence set forth in article 2, paragraph 1, and the living organism created by the commission of the offence set forth in article 2, paragraph 1.

Article 2
Scope of application (definition of the crime)

1. Any person commits an offence within the meaning of this Convention if that person intentionally engages in an action, such as somatic cell nuclear transfer or embryo-splitting, resulting in the creation of a living organism, at any stage of physical development, that is genetically virtually identical to an existing or previously existing human organism.

2. Any person also commits an offence if that person attempts to commit an offence set forth in paragraph 1 of this article.

3. Any person also commits an offence if that person:

   (a) Participates as an accomplice in an offence set forth in paragraph 1 or 2 of this article;

   (b) Organizes or directs others to commit an offence set forth in paragraph 1 or 2 of this article;

   (c) Contributes to the commission of one or more of the offences set forth in paragraph 1 or 2 of this article by a group of persons acting with a common purpose. Such contribution shall be intentional and shall either:

      (i) Be made with the aim of furthering the criminal activity or criminal purpose of the group, where such activity or purpose involves the commission of an offence as set forth in paragraph 1 of this article; or

      (ii) Be made in the knowledge of the intention of the group to commit an offence set forth in paragraph 1 of this article.

Article 3
Obligation to criminalize

Each State Party shall adopt such measures as may be necessary:

(a) To establish as criminal offences under its domestic law the offences set forth in article 2;

(b) To make those offences punishable by appropriate penalties which take into account the grave nature of the offences.

Article 4
Liability of legal persons

1. Each State Party, in accordance with its domestic legal principles, shall take the necessary measures to enable a legal entity located in its territory or organized under its laws to be held liable when a person responsible for the management or control of that legal entity has, in that capacity, committed an offence set forth in article 2. Such liability may be criminal, civil or administrative.

2. Such liability is incurred without prejudice to the criminal liability of individuals who have committed the offences.

3. Each State Party shall ensure, in particular, that legal entities liable in accordance with paragraph 1 above are subject to effective, proportionate and dissuasive criminal, civil or administrative sanctions. Such sanctions may include monetary sanctions.

Article 5
Jurisdiction

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences set forth in article 2 when:

   (a) The offence is committed in the territory of that State;

   (b) The offence is committed on board a vessel flying the flag of that State or an aircraft registered under the laws of that State at the time the offence is committed;

   (c) The offence is committed by a national of that State.

2. A State Party may also establish its jurisdiction over any such offence when:

   (a) The offence was directed towards or resulted in the carrying out of an offence referred to in article 2, paragraph 1, in the territory of or against a national of that State;

   (b) The victim of one of the offences set forth in article 2, paragraph 1, is a national of that State;

   (c) The offence is committed by a stateless person who has his or her habitual residence in the territory of that State.

3. Upon ratifying, accepting, approving or acceding to this Convention, each State Party shall notify the Secretary-General of the United Nations of the jurisdiction it has established in accordance with its domestic law in accordance with paragraph 2. Should any change take place, the State Party concerned shall immediately notify the Secretary-General.

4. Each State Party shall likewise take such measures as may be necessary to establish its jurisdiction over the offences set forth in article 2 in cases where the alleged offender is present in its territory and it does not extradite that person to any of the States Parties that have established their jurisdiction in accordance with paragraph 1 or 2.

5. When more than one State Party claims jurisdiction over one of the offences set forth in article 2, the relevant States Parties shall strive to coordinate their actions appropriately, in particular concerning the conditions for prosecution and the modalities for mutual legal assistance.

6. Without prejudice to the norms of general international law, this Convention does not exclude the exercise of any criminal jurisdiction established by a State Party in accordance with its domestic law.

Article 6
Seizure of funds

1. Each State Party shall take appropriate measures, in accordance with its domestic legal principles, for the identification, detection and freezing or seizure of any funds used or allocated for the purpose of committing the offences set forth in article 2 as well as the proceeds derived from such offences, for purposes of possible forfeiture.

2. Each State Party shall take appropriate measures, in accordance with its domestic legal principles, for the forfeiture of funds used or allocated for the purpose of committing the offences set forth in article 2 and the proceeds derived from such offences.

3. Each State Party concerned may give consideration to concluding agreements on the sharing with other States Parties, on a regular or case-by-case basis, of the funds derived from the forfeitures referred to in this article.

4. Each State Party shall consider establishing mechanisms whereby the funds derived from the forfeitures referred to in this article are utilized to compensate the victims of offences referred to in article 2 or their families.

5. The provisions of this article shall be implemented without prejudice to the rights of third parties acting in good faith.

Article 7
Duty to investigate

1. Upon receiving information that a person who has committed or who is alleged to have committed an offence set forth in article 2 may be present in its territory, the State Party concerned shall immediately take such measures as

may be necessary under its domestic law to investigate the facts contained in the information.

2. Upon being satisfied that the circumstances so warrant, the State Party in whose territory the offender or alleged offender is present shall take the appropriate measures under its domestic law so as to ensure that person's presence for the purpose of prosecution or extradition.

3. Any person regarding whom the measures referred to in paragraph 2 are being taken shall be entitled to:

   (a) Communicate without delay with the nearest appropriate representative of the State of which that person is a national or which is otherwise entitled to protect that person's rights or, if that person is a stateless person, the State in the territory of which that person habitually resides;

   (b) Be visited by a representative of that State;

   (c) Be informed of that person's rights under subparagraphs (a) and (b).

4. The rights referred to in paragraph 3 shall be exercised in conformity with the laws and regulations of the State in the territory of which the offender or alleged offender is present, subject to the provision that the said laws and regulations must enable full effect to be given to the purposes for which the rights accorded under paragraph 3 are intended.

Article 8
Obligation to prosecute or extradite

1. The State Party in the territory of which the alleged offender is present shall, in cases to which article 5 applies, if it does not extradite that person, be obliged, without exception whatsoever and whether or not the offence was committed in its territory, to submit the case without undue delay to its competent authorities for the purpose of prosecution, through proceedings in accordance with the laws of that State. Those authorities shall take their decision in the same manner as in the case of any other offence of a grave nature under the law of that State.

2. Whenever a State Party is permitted under its domestic law to extradite or otherwise surrender one of its nationals only upon the condition that the person will be returned to that State to serve the sentence imposed as a result of the trial or proceeding for which the extradition or surrender of the person was sought, and this State and the State seeking the extradition of the person agree with this option and any other terms they may deem appropriate, such a conditional extradition or surrender shall be sufficient to discharge the obligation set forth in paragraph 1.

Article 9
Existing extradition treaties

1. The offences set forth in article 2 shall be deemed to be included as extraditable offences in any extradition treaty existing between any of the

States Parties before the entry into force of this Convention. States Parties undertake to include such offences as extraditable offences in every extradition treaty to be subsequently concluded between them.

2. When a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, the requested State Party may, at its option, consider this Convention as a legal basis for extradition in respect of the offences set forth in article 2. Extradition shall be subject to the other conditions provided by the law of the requested State.

3. States Parties which do not make extradition conditional on the existence of a treaty shall recognize the offences set forth in article 2 as extraditable offences between themselves, subject to the conditions provided by the law of the requested State.

4. If necessary the offences set forth in article 2 shall be treated, for the purposes of extradition between States Parties, as if they had been committed not only in the place in which they occurred but also in the territory of the States that have established jurisdiction in accordance with article 7, paragraphs 1 and 2.

5. The provisions of all extradition treaties and arrangements in force between States Parties with regard to the offences set forth in article 2 shall be deemed to be modified as between States Parties to the extent that they are incompatible with this Convention.

Article 10
Judicial cooperation

1. States Parties shall afford one another the greatest measure of assistance in connection with criminal investigations or criminal or extradition proceedings in respect of the offences set forth in article 2, including assistance in obtaining evidence in their possession necessary for the proceedings.

2. The requesting State Party shall not use nor transmit information or evidence furnished by the requested State Party for investigations, prosecutions or proceedings other than those stated in the request without the prior consent of the requested State Party.

3. Each State Party may give consideration to establishing mechanisms to share with other States Parties information or evidence needed to establish criminal, civil or administrative liability pursuant to article 4.

4. States Parties shall carry out their obligations under paragraphs 1 and 2 in conformity with any treaties or other arrangements on mutual legal assistance or information exchange that may exist between them. In the absence of such treaties or arrangements, States Parties shall afford one another assistance in accordance with their domestic law.

Article 11
Rights of the accused

Any person who is taken into custody or regarding whom any other measures are taken or proceedings are carried out pursuant to this Convention shall be guaranteed fair treatment, including enjoyment of all rights and guarantees in conformity with the law of the State in the territory of which that person is present and applicable provisions of international law, including international human rights law.

Article 12
Preventive measures

1. States Parties shall cooperate in the prevention of the offences set forth in article 2 by taking all practicable measures, inter alia, by adapting their domestic legislation, if necessary, to prevent and counter preparations in their respective territories for the commission of those offences within or outside their territories, including:

   (a) Measures to prohibit in their territories illegal activities of persons and organizations that knowingly encourage, instigate, organize or engage in the commission of offences set forth in article 2;

   (b) Measures requiring any research project involving human genetic material to be duly authorized by the competent authorities or, as appropriate, by a multidisciplinary national organ entrusted with that task;

   (c) Measures requiring centres and establishments where research or activities are conducted that use gene technology to be previously registered, approved and authorized for such purposes by the health or scientific authorities or, as appropriate, by a multidisciplinary national organ.

2. States Parties shall further cooperate in the prevention of offences set forth in article 2 by exchanging accurate and verified information in accordance with their domestic law and coordinating administrative and other measures taken, as appropriate, to prevent the commission of offences set forth in article 2, in particular by:

   (a) Establishing and maintaining channels of communication between their competent agencies and services to facilitate the secure and rapid exchange of information concerning all aspects of offences set forth in article 2;

   (b) Cooperating with one another in conducting inquiries, with respect to the offences set forth in article 2, concerning:

      (i) The identity, whereabouts and activities of persons in respect of whom reasonable suspicion exists that they are involved in such offences;

(ii) The movement of funds relating to the commission of such offences.

3. States Parties may exchange information through the International Criminal Police Organization (Interpol).

Article 13
Safeguard clause

None of the provisions of this Convention shall be interpreted as limiting or otherwise affecting the possibility for each State Party to grant a wider measure of protection with regard to the applications of biology and medicine than is stipulated in this Convention.

Article 14
Settlement of disputes

1. Any disputes between two or more States Parties concerning the interpretation or application of this Convention which cannot be settled through negotiation within a reasonable time shall, at the request of one of them, be submitted to arbitration. If, within six months from the date of the request for arbitration, the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice, by application, in conformity with the Statute of the Court.

2. Each State may at the time of signature, ratification, acceptance or approval of this Convention or accession thereto declare that it does not consider itself bound by paragraph 1 of this article. The other States Parties shall not be bound by paragraph 1 with respect to any State Party which has made such a reservation.

3. Any State which has made a reservation in accordance with paragraph 2 may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

Article 15
Signature and ratification

1. This Convention shall be open for signature by all States from ... to ... at United Nations Headquarters in New York.

2. This Convention is subject to ratification, acceptance or approval. The instruments of ratification, acceptance or approval shall be deposited with the Secretary-General of the United Nations.

3. This Convention shall be open to accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 16
Reservations

No reservations shall be permitted to articles 1, 2 and 3 of this Convention.

Article 17
Entry into force

1. This Convention shall enter into force on the thirtieth day following the date of the deposit of the twenty-second instrument of ratification, acceptance, approval or accession with the Secretary-General of the United Nations.

2. For each State ratifying, accepting, approving or acceding to the Convention after the deposit of the twenty-second instrument of ratification, acceptance, approval or accession, the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification, acceptance, approval or accession.

Article 18
Denunciation

1. Any State Party may denounce this Convention by written notification to the Secretary-General of the United Nations.

2. Denunciation shall take effect one year following the date on which notification is received by the Secretary-General of the United Nations.

Article 19
Authentic texts

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States.

Annex II to the letter dated 2 April 2003 from the Permanent Representative of Costa Rica to the United Nations addressed to the Secretary-General

Commentary to the draft international convention on the prohibition of all forms of human cloning

Introduction

The draft international convention on the prohibition of all forms of human cloning is intended as a contribution to the negotiation process currently being carried out within the United Nations General Assembly in order to prohibit human cloning. The text seeks to ensure respect for the dignity and basic rights of the human being in the broadest possible manner in view of the threat posed by experiments in the cloning of human beings.

The draft aims to prohibit both "reproductive" cloning of human beings, that is, cloning whereby human clones are "produced", implanted in a woman's uterus and culminate in the birth of a child that is genetically identical to another human being, as well as the ill-termed "therapeutic" cloning of humans, which is characterized by having experimental purposes and ending with the destruction and death of the cloned embryo.

During the fifty-eighth session of the General Assembly, the international community will have to decide whether it is to work on a broad prohibition of all forms of human cloning or whether it will elaborate only a prohibition limited to the reproductive cloning of human beings. The Government of Costa Rica, together with a number of friendly countries, has advocated the negotiation of a broad prohibition covering all forms of human cloning.

The Government of Costa Rica trusts that this draft will be an important contribution to the negotiation process by eventually becoming the basic document for discussion.

The draft includes four principal elements:

(a) The definition of the crime of human cloning (article 2);

(b) The obligation of States Parties to criminalize the offence, establish jurisdiction over its commission and punish or extradite the guilty parties (articles 3, 5, 7 and 8);

(c) The obligation of States Parties to take measures to prevent such acts, including the regulation of experiments involving human genetic material (article 12);

(d) A series of provisions to facilitate judicial and police cooperation in the field (articles 9 and 10).

To the extent possible, the text is based on language used previously by the General Assembly. The provisions on jurisdiction, cooperation and the final clauses were inspired by the provisions of the recent International Convention for the Suppression of the Financing of Terrorism.

It should be noted that the draft does not seek to regulate abortion, stem-cell research or *in vitro* fertilization. Similarly, the text does not aim to define what a human being is and when the human person comes about.

Title

The title of the draft convention contains the expression "human cloning" not "cloning of human beings". This formulation is in keeping with the decision to avoid discussing the definition of what constitutes a human being.

Preamble

The preamble sets forth the general considerations that motivate States to adopt the draft convention. The main paragraphs are: the fourth preambular paragraph, which underscores the essential importance of human dignity; the fifth preambular paragraph, which declares all forms of human cloning immoral and a violation of human rights; and the sixth preambular paragraph, which reaffirms the need to promote scientific progress in accordance with respect for human rights.

Most of the preamble has been taken from draft resolution A/C.6/57/L.3/Rev.1, sponsored by Antigua and Barbuda, Argentina, Costa Rica, Dominica, Dominican Republic, El Salvador, Ethiopia, Fiji, Georgia, Grenada, Honduras, Italy, Kenya, Kyrgyzstan, Marshall Islands, Micronesia (Federated States of), Nicaragua, Nigeria, Panama, Paraguay, Philippines, St. Vincent and the Grenadines, Spain, Suriname, Tajikistan, Timor-Leste, Turkmenistan, Tuvalu, United States of America and Uzbekistan on 18 October 2002. Preambular paragraphs 1, 2, 3, 7, 8 and 9 correspond respectively to preambular paragraphs 1, 2, 6, 8 and 10 of the draft resolution.

The fourth preambular paragraph has been taken from the third preambular paragraph of General Assembly resolution 53/152 on "the human genome and human rights", of 9 December 1998. The fifth preambular paragraph is based on preambular paragraph (c) of the resolution of the European Parliament on human cloning of 15 January 1998 (*Official Journal, 1998* (C 34) 164 (15 January 1998)). The sixth preambular paragraph is identical to the fifth preambular paragraph of General Assembly resolution 53/152.

Article 1
Definitions

This article defines some of the basic concepts used in the draft convention. Paragraphs 1, 2 and 3, which define concepts used in the description of the offence, should be read in the context of the commentary to article 2 (1): definition of the crime.

Paragraph 4, on the concept of the victim, should be considered within the context of articles 5 (2) (b) on jurisdiction, and 6 (2), dealing with compensation. The concept of victim as set forth is broad and includes not only the person who is "copied" by means of cloning — the donor of the genetic material — but also the woman whose oocyte is used and the human being who is created through cloning.

Article 2
Scope of application (definition of the crime)

Paragraph 1

This article contains the definition of the crime of the cloning of human beings.

The expression "commits ... intentionally" establishes the level of intentionality required for a penal norm. This phrase excludes the non-intentional commission of the offence as well as the spontaneous division of embryos that occurs in nature when twins are created.

The word "action" is a broad concept designed to include any technical, medical or scientific operation which may be used to create clones.

The list "such as somatic cell nuclear transfer or embryo-splitting" sets forth, by way of example, the two techniques which are currently used in cloning experiments. This list is not exhaustive, which makes the prohibition applicable to any other cloning technique that may be developed in the future.

The expression "a living organism ... that is genetically virtually identical" defines the prohibited object: the creation of living beings whose nuclear genetic material is identical. Article 1 (3) of the draft should be viewed in this context.

The words "at any stage of physical development" make this prohibition applicable to all forms of cloning since it prohibits the creation of a living organism from the first moment of its existence.

The reference to a "human organism" relates to the donor of the genetic material and limits this prohibition solely to the cloning of human beings, permitting, *a contrario sensu*, the cloning of vegetables and animals. This expression prohibits the use of nuclear material not only from adult donors but also from human embryos.

The words "existing or previously existing" prohibit cloning which uses as a donor of nuclear material living embryos either of persons currently alive or of historical figures who are deceased.

Paragraphs 2 and 3

The aim of these paragraphs is to prohibit attempts to commit and the various forms of criminal participation in the offence of human cloning. Paragraph 3 (c) covers criminal conspiracy and criminal activities organized in order to commit human cloning. The text is based on article 2, paragraphs 4 and 5, of the International Convention for the Suppression of the Financing of Terrorism of 9 December 1999.

Article 3
Obligation to criminalize

This article requires that States parties criminalize human cloning as an offence under their national legislation. It is identical to the text of article 4 of the International Convention for the Suppression of the Financing of Terrorism.

Article 4
Liability of legal persons

This article requires that States Parties punish, in accordance with their legal systems, legal persons that are used to commit the offence of human cloning. It is identical to the text of article 5 of the International Convention for the Suppression of the Financing of Terrorism.

Article 5
Jurisdiction

This article specifies the occasions on which States Parties will have jurisdiction to prosecute the offence. When an offence is committed by a national of the State Party or in its territory, that State will have to exercise its jurisdiction as a matter of obligation. Paragraph 4 stipulates that the State Party must exercise its jurisdiction in order to prosecute a person accused of committing the offence, if it is not willing to extradite him to a State which so requests.

The text of this article is based on article 7 of the International Convention for the Suppression of the Financing of Terrorism with the necessary changes made in paragraph 2. The reference to the victim in paragraph 2 (b) is based on article 6, paragraph 2, of the International Convention for the Suppression of Terrorist Bombings of 15 December 1997.

Article 6
Seizure of funds

This article sets forth the obligation to confiscate funds used to commit the crime of human cloning in order to compensate the victims. This text is identical to article 8 of the International Convention for the Suppression of the Financing of Terrorism.

Article 7
Duty to investigate

This norm lays down the obligation to investigate and detain preventively persons who commit the crime of human cloning. The article's wording is identical to that of article 9, paragraphs 1 to 4, of the International Convention for the Suppression of the Financing of Terrorism.

Article 8
Obligation to prosecute or extradite

This article establishes the obligation to prosecute or extradite persons accused of this crime. Paragraph 2 sets forth a number of exceptions for States that permit the extradition of nationals under certain conditions. The text of this article was identical to that of article 10 of the International Convention for the Suppression of the Financing of Terrorism.

Article 9
Existing extradition treaties

This provision seeks to facilitate the extradition of accused persons by amending all existing bilateral extradition treaties between States Parties. Its wording is identical to that of article 11 of the International Convention for the Suppression of the Financing of Terrorism.

Article 10
Judicial cooperation

As its title indicates, this article, based on article 12, paragraphs 1, 3, 4 and 5, of the International Convention for the Suppression of the Financing of Terrorism, provides that the States bodies must lend one another the greatest possible judicial and police cooperation in the field.

Article 11
Rights of the accused

This article is a general safeguard clause guaranteeing respect for the basic rights of the accused and the principles of due process. It is identical to the text of article 17 of the International Convention for the Suppression of the Financing of Terrorism.

Article 12
Preventive measures

This article stipulates that States Parties must take all possible preventive measures in order to prevent the commission of the crime of human cloning. In particular, paragraph 1 (a) and (b) establishes the obligations of States Parties to regulate research involving human genetic material and to monitor research centres working in those fields. This article uses broad language allowing each State Party to design, in accordance with its own administrative organization, the best mechanism for carrying out this obligation.

The text of this article is based on article 18, paragraphs 1, 3 and 4, of the International Convention for the Suppression of the Financing of Terrorism. Paragraph 1 (b) and (c) was inspired by paragraphs 17 and 19 of Recommendation 1100 (1989) on the use of human embryos and foetuses in scientific research, of 2 February 1989, adopted by the Parliamentary Assembly of the Council of Europe at its fortieth ordinary session (third part), 30 January to 3 February 1989.

Article 13
Safeguard clause

This article protects the sovereign right of each State Party to adopt stricter measures when regulating research in the field of medicine and biology. Its text is based on article 27 of the Council of Europe Convention for the Protection of

Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine, of 4 April 1997 (Convention on Human Rights and Biomedicine) (Council of Europe, document DIR/JUR (96) 14, *European Treaty Series No. 164*).

Article14
Settlement of disputes

This provision establishes a mechanism for the peaceful settlement of disputes. This article is identical to the text of article 24 of the International Convention for the Suppression of the Financing of Terrorism.

Article 15
Signature and ratification

This is the customary wording of clauses referring to the signature and ratification of an international treaty. The text is identical to the text of article 25 of the International Convention for the Suppression of the Financing of Terrorism.

Article 16
Reservations

This article prohibits reservations to the basic articles of the Convention in order to prevent the weakening of the judicial regime established under it through reservations and exceptions. This provision prevents the authorization of experimental cloning by making a reservation to the definition of the crime.

Article 17
Entry into force

This is the traditional wording of final clauses on the entry into force. The text is identical to that of article 26 of the International Convention for the Suppression of the Financing of Terrorism.

Article 18
Denunciation

This is the traditional wording referring to denunciation of the treaty. The text is identical to that of article 27 of the International Convention for the Suppression of the Financing of Terrorism.

Article 19
Authentic texts

This is the traditional wording on official languages included in all multilateral treaties of a universal nature adopted within the framework of the United Nations. Its text is identical to the language of article 28 of the International Convention for the Suppression of the Financing of Terrorism.